

April 18, 2019

Mr. Henry Leskinen  
Eco-Science Professionals, Inc.  
P.O. Box 5006  
Glen Arm, MD 21057

Re: Falcon Crest Townhouses  
Forest Buffer Variance Request  
Tracking # 02-19-2961

Dear Mr. Leskinen:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Water Quality Law) was received by the Department of Environmental Protection and Sustainability (EPS) on February 15, 2019. If granted, the variance would allow permanent impact to approximately 5,888 square feet of forest buffer area adjacent to an unnamed Use-III tributary to Gwynns Falls to construct a parking lot. The buffer area to be impacted is currently lawn and hedgerow associated with existing apartment buildings that predate the Forest Buffer Law. Mitigation in the form of 5,888 square feet of tree planting is proposed onsite.

This Department has reviewed your request and has determined that a practical difficulty exists in fully complying with Section 33-3-111 as would an unreasonable hardship, given that the townhouse community does not have adequate parking facilities for all of the residents, and there are no areas outside of area that would be Forest Buffer Easement under Section 3-3-111 to provide additional parking. Additionally the buffer adjacent to the stream is highly constrained due to historical development and maintenance of vegetation. We also find that impacts to water quality can be adequately minimized through the use of stone pads to reduce the velocity of stormwater flow exiting the parking lot, as well as onsite planting of 5,888 square feet of current lawn within the 100-foot buffer to the tributary.

Based on these findings, we will grant this variance in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. A Forest Buffer Easement and its Declaration of Protective Covenants shall be recorded in Baltimore County Land Records via the right of way plat process prior to any permit approval.

2. Mitigation for the 5,888 sf of forest buffer impacts resulting from construction of the parking lot shall be addressed by planting 5,888 sf of open Forest Buffer Easement area onsite using native deciduous tree stock a minimum of 1-inch caliper.
3. Surveyed limits of the Forest Buffer Easement shall be clearly marked onsite at 75-foot intervals and significant turning points with permanent "Forest Buffer-Do Not Disturb" signs to facilitate identification of buffer limits by all involved parties. These signs, which are available from private sign contractors, shall be installed prior to building permit approval.
4. The following note shall appear on all subsequent plans and plats submitted for this project:
  - "A variance was granted on April 18, 2019 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains to allow impact to 5,888 square feet of Forest Buffer Easement in order to build a parking lot. The Forest Buffer Easement and its setback shown hereon reflect the fact that this variance was granted. Conditions were placed on this variance to reduce impacts to water quality including posting of the Forest Buffer Easement onsite and planting of 5,888 square feet of this buffer."
5. A final Forest Buffer Protection Plan (FBPP) reflecting the conditions of this variance shall be submitted to EPS staff prior to May 18, 2019 or issuance of any permit. This FBPP shall detail all mitigation measures including plant maintenance and monitoring, the security release schedule, sign locations, mitigation calculations, as well as a note stating how the mitigation will be addressed.
6. The onsite planting shall be secured in an amount equal to 110% of an EPS-approved itemized cost estimate that shall be included with the FBPP. This security shall be posted via an Environmental Agreement prior to grading permit issuance, and its release shall be in accordance with Section 32-4-313 of Baltimore County Code.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If you have any questions regarding this correspondence, please contact Mr. Thomas Krispin at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Acting Director

DVL/tak

c. Falcon Crest Owner, LP

I/we agree to the above conditions to bring my/our property into compliance with Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains.

\_\_\_\_\_  
Owner's/Developer's Signature      Date

\_\_\_\_\_  
Signature      Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name